

## **REMARKS**

In the Official Action mailed on **3 July 2007**, the Examiner reviewed claims 1-33. Claims 1, 7-8, 10, 17-21, 26-29, 30-31, and 33 were rejected under 35 U.S.C. § 102(b) based on Fado et al. (USPN 5,943,649 hereinafter “Fado”). Claims 2-4 were rejected under 35 U.S.C. § 103(a) based on Fado, and Levine (USPN 6,356,084 hereinafter “Levine”). Claim 6 was rejected under 35 U.S.C. § 103(a) based on Fado, and Papadopoulos et al. (USPN 6,128,384 hereinafter “Papadopoulos”). Claims 9 and 22 were rejected under 35 U.S.C. § 103(a) based on Fado, and Chiu et al. (USPN 6,882,577 hereinafter “Chiu”). Claims 11-12, 23-25, and 32 were rejected under 35 U.S.C. § 103(a) based on Fado and applicants admitted prior art (hereinafter AAPA). Claim 13 was rejected under 35 U.S.C. § 103(a) based on Fado, AAPA, and Levine. Claims 14-16 were rejected under 35 U.S.C. § 103(a) based on Fado, AAPA, and Southworth et al. (USPN 3,950,607 hereinafter “Southworth”).

### **Rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a)**

Independent claims 1, 10, 19, and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Fado. Independent claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fado as applied to claim 10 in view of Applicant’s Admitted Prior Art (AAPA). Applicant respectfully points out that Fado does not disclose any of the limitations recited in independent claims 1, 10, 19, 23, or 26. Applicant addresses Examiner’s rejections below.

Examiner avers that Fado element 10 in FIG. 48 and FIG. 1 discloses “*a circuit within the microphone, connected to at least one electrical contact*” (see page 2 of the Office Action letter dated July 3, 2007). Applicant respectfully points out that element 10 in FIG. 48 is a process which is stored in RAM 5 and

executed within processor 3 within computer system 1 (see Fado FIG. 48 and column 15, lines 43-67). However, microphone 27 is separate and distinct from computer system 1 and is coupled to computer system 1 through audio interface 29 (see FIG. 48 and column 15, lines 43-52). There is nothing in FIG. 48 which suggests that microphone 27 includes a **circuit within the microphone**, connected to at least one electrical contact. At most, Fado discloses a circuit (e.g., element 3, 5, 21, etc.) which is external to the microphone as illustrated in FIG. 48.

Examiner also avers that Fado steps 16 and 48 in FIG. 1 disclose a microphone “*that provides the external device with data about the microphone*” (see page 2 of the Office Action letter dated July 3, 2007). Applicant respectfully points out that in step 16 of FIG. 1, GUI 100 presents a list of possible microphones to a user and **the user selects one of the microphones** from the list (see Fado, column 7, lines 33-37). Since computer system 1 executes the process described in FIG. 1 (see Fado FIG. 48 and column 15, lines 43-67), the list of microphones is provided to the user by computer system 1 and *not by the microphone*. Hence, Fado only discloses a computer system which provides a list of microphones for a user to choose from, but **does not disclose a microphone which provides the external device with data about the microphone**.

Accordingly, Applicant has amended independent claims 10, 19, 23, and 26 to clarify that some embodiments of the present invention are directed to a *microphone which includes data about the microphone*. Furthermore, Applicant has amended claim 1 to clarify that the microphone comprises a circuit *within the microphone*. These amendments find support at least on page 3, lines 11-18; page 6, line 21 to page 12, line 19 of the instant application.

Hence, Applicant respectfully submits that independent claims 1, 10, 19, 23, and 26 as presently amended are in condition for allowance. Applicant also submits that claims 2-9, which depend upon claim 1, claims 11-18, which depend

upon claim 10, claims 20-22, which depend upon claim 19, claim 24-25, which depend upon claim 23, and claims 27-33 which depend upon claim 26, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

**CONCLUSION**

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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